

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 10/729,915

**REMARKS**

Claims 1, 4-8, 10-16, 18, 20-23, and 25-29 are all the claims pending in the application.

**I. Claim Objections**

Examiner has objected to the recitation of “the one pair” in claims 3, 4, 19, and 20.

Applicants have correctly amended the preamble to each claim to read on “a one pair” and notes that “one pair” is fully enabled when the claim is read in light of the specification.

**II. Claim Rejections based on 35 USC 112, first paragraph**

Examiner has rejected claims 6 and 22 for failing to comply with the enablement requirement. Applicants respectfully traverse this rejection in light of the following argument.

Applicants contend that the claims are clearly enabled in the specification as evinced by [0051]. Although the equation given in the specification was used to illustrate an 11x11 Gaussian checkerboard kernel, [0051] states that a checkerboard kernel of any size may be used to obtain a novelty score. Hence, the claimed equation is merely the equation in the specification presented in its generic form to illustrate that fact.

**III. Claim Rejections based on 35 USC 101**

Examiner has rejected claim 26 based on 35 USC 101. Applicants propose to amend the claim to read on “a computerized system.”

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**IV. Claim Rejections based on 35 USC 102(e)**

Examiner has rejected claims 1, 11, and 16 on 35 USC 102(e) in view of Bellegarda.

Applicants respectfully traverse this argument in light of the following arguments and amendments.

In regards to claim 1, Applicants submit that the Bellegarda reference does not utilize meta-data at all, and hence cannot read on the claimed invention. Instead, Bellegarda maps ALL words and documents of a system [0027], hence scanning everything into a table and utilizing a word dictionary [0028] to recognize specific words and group them accordingly. This is more akin to paragraph [0009] of applicant's specification, which is the process of actually examining the content of each data file and determining an appropriate location of that data file while placing it into specific relationships based on word analysis. Paragraph [0009] illustrates the problems with that approach and how the claimed invention solves those problems.

Furthermore, Bellegarda is incapable of performing the invention as claimed because meta-data is typically not in a form of words recognizable by word dictionaries. For example, paragraph [0036] of applicant's specification illustrates examples of meta-data that would not be analyzable by the Bellegarda reference such as timestamps, GPS data and low level image features.

Applicants further contend for claims 1 and 11 that the reference does not teach organizing the extracted meta-data elements into a single ordered set wherein the set is ordered consecutively based on values for one or more of the extracted meta-data elements as shown in the amended claim. The reference instead utilizes a hierarchical system to sort text derived from the document to document matrix of Figure 4. As seen in Table 1, the words are not sorted into a

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single ordered set, but rather by multiple clusters of words with no consecutive ordering within those clusters. Even if file names could be construed as meta-data, it is apparent from Table 4 and Figs. 2A and 2B from the reference that the files are being clustered into multiple sets based on non-meta data information and the non-meta data information is neither ordered into a single ordered set nor even ordered in any meaningful way outside of the grouping.

Similarly, Applicants contend that for claim 16, the reference does not teach the limitation of instructions for organizing the extracted meta-data elements into a single ordered set wherein the set is ordered consecutively based on either chronological, alphabetical, numerical, or geographical ordering. As argued previously and as is apparent from Table 4 and Figs. 2A and 2B from the reference, the files are being clustered into multiple sets based on non-meta data information and the non-meta data information is neither ordered into a single ordered set nor even ordered in any meaningful way outside of the grouping.

Furthermore, Bellegarda is incapable of organizing non-document type files without the use of “traditional methods of clustering based on meta-data” or input from the user ([0025]). Hence, Bellegarda requires a meta-data based organizing system to organize its non-document files, meaning it would need a system like the claimed invention in order to analyze files other than documents. This is explicitly indicated in Figure 4 and [0032] of the reference, which utilizes a vector representation for words and documents.

Similarly, Applicants further contend that for claims 1, 11, and 16, the Bellegarda reference fails to disclose the limitation of calculating pair-wise difference between values of each of the extracted meta-data elements. The reference teaches clustering by comparing entire

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documents to each other and merging their semantic information together [0037]. Clusters are  
then derived from the merger of the semantic information through the use of matrix  
decomposition. Applicant contends that this is no equivalent to comparison between values of  
each of the extracted meta-data elements since individual meta-data elements are not being  
compared, but rather each document has to be parsed as a whole and merged before any values  
can be calculated ([0038] – [0040]). Furthermore, by the claimed method, computationally  
expensive uses of matrix decomposition are not necessary. The reference therefore is more akin  
to [0009] of our specification, which discloses a possibility of organizing data files by examining  
the entire content of each file and comparing it to another, but ruling it to be computationally  
expensive, unlike our claimed invention.

#### **V. Claim Rejections based on 35 USC 103**

Since all of the 103 rejections are on claims that are dependent on allowable independent claims, Applicants respectfully submit that these claims are allowable at least for their dependence on allowable base claims.

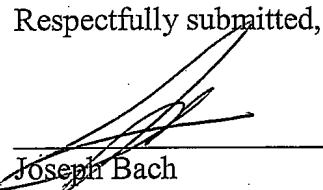
#### **VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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